

REMARKS

Responsive to a request for restriction of claims, Applicants are acknowledging the cancellation of claims 7-15 and 22-30.

The Examiner rejected claims 1-4 and 16-19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,970,403 (Alperovich); and rejected claims 5, 6, 20 and 21 under 35 U.S.C. 103(a) as being unpatentable over Alperovich, further in view of U.S. Patent 5,794,140 (Sawyer). Responsive to the grounds for these rejections, Applicants are amending the claims as follows: Applicants are canceling claims 4 and 5 and incorporating their subject matter in claim 1 and also adding a clause indicating that the two thresholds are stored for each area. Applicants are making a similar amendment to claim 16 and canceling claims 19 and 20. Applicants respectfully submit that with these changes, the subject matter of the remaining amended claims should be held allowable.

Alperovich teaches arrangements for lowering the charge for calls when the occupancy of a particular area served by a mobile switching center goes below a threshold. The subscribers currently in the area are then notified that they may place calls for a lower charge. A filter in the subscriber station prevents the message indicating the lower charge from being brought to the attention of those subscribers who have not subscribed to the service wherein lower charges are incurred.

Sawyer teaches arrangements wherein if the occupancy goes up beyond the occupancy threshold during the course of a conversation that the higher charge will be incurred.

In contrast, in the claims as amended the lower charge is initiated when occupancy goes below a first threshold and is canceled when the occupancy goes above a second threshold. Advantageously, this type of arrangement prevents excessive oscillation between the normal charge and the lower charge. Alperovich suggests an arrangement wherein the lower charge is retained for a certain minimum time; Applicants' arrangement is better because it responds to the actual occupancy of the radio channels and not to some estimate of a reasonable minimum time to stay in the lower charge mode.

The Examiner rejected claim 5, the pertinent claim for restoring the normal charge in the face of increasing use of the radio channels based on Sawyer, column 11,

lines 23-35. The subject matter of this passage relates to what happens if the channel occupancy increases above the single threshold either before the customer makes a call or in the middle of the customer's call. There is no indication of two thresholds in the teachings of Sawyer. The result is that all too many calls may be denied after a customer has been encouraged to make the call or that the customer may be interrupted in the middle of a call (although the latter step is optional). By having two separate thresholds, customers can be assured that they will be able to make calls at the lower rate until a canceling message is received and that the likelihood of a canceling message coming very quickly after the initial offering message is relatively low because of the gap between the two thresholds.

Applicants are further differentiating their invention from the teachings of the cited prior art by amending claims 3 and 18 to recite that the subset of mobile stations being offered the lower charges is defined in the processor means of the mobile switching center, in contrast to the Alperovich scheme of filtering the offer message in the mobile station.

Accordingly, Applicants respectfully submit that the subject matter of claims 1-3, 6, and 16-18 and 21 should be held allowable over the cited prior art. Applicants therefore request that the Examiner reconsider the rejection of these claims as amended, hold claims 1-3, 6, 16-18, 21 allowable and pass the application to issue.

If the Examiner feels that a fax or telephone contact would help to advance the prosecution of this application, the Examiner is invited to call Applicants' attorney at 630 469-3575.

Respectfully submitted

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